

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-187313

DATE: September 9, 1976

MATTER OF: Winfield Manufacturing Co., Inc.

DIGEST:

GAO will not consider protest which alleges bidder does not qualify as a small business because it is duty of Small Business Administration under 15 U.S.C. 637(b)(6), rather than GAO, to determine whether a concern is small business for purposes of a particular procurement.

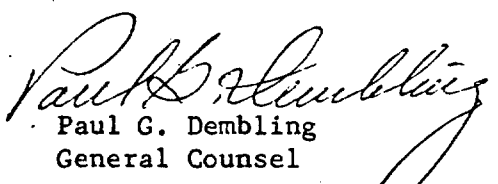
By telegram and supplemental letter of August 26, 1976, Winfield Manufacturing Co., Inc. protested any award of a contract to Kings Point Manufacturing Co. on the labor surplus set-aside portion of invitation for bids (IFB) No. DSA100-76-B-1263, issued by the Defense Personnel Support Center, Philadelphia, Pennsylvania. The protester asserts that Kings Point does not qualify as a small business and therefore is not entitled to the preference accorded small businesses under Armed Services Procurement Regulation (ASPR) 1-802 (1975 ed.).

In this regard, 15 U.S.C. 637(b)(6)(1970) reads in pertinent part:

"It shall also be the duty of the Administration /SBA/ * * * to determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated 'small business concerns' * * *."

The cited provision also makes SBA's determination conclusive upon the procuring agency involved.

Since the size protest is for SBA's consideration, we are closing our file and will take no further action on the matter. See RAS Sanitation, Inc., B-180705, March 28, 1974, 74-1 CPD 151.


Paul G. Dembling
General Counsel